

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Application No.: 10/024,215

REMARKS

Claims 1 – 32 were previously pending. Claim 25 – 32 have been withdrawn from consideration by *sua sponte* Examiner action under 37 C.F.R. § 1.142(b) and M.P.E.P. § 821.03. Claims 21 and 22 are herein cancelled. Accordingly, claims 1 – 20, 23 and 24 are presently pending.

I. Rejection of Claims 20 and 21 Under 35 U.S.C. § 102 in View of US 5,847,766 to Peak

While the Examiner states that Applicant's claims 20 and 21 are allegedly anticipated in view of the Peak reference, Applicant notes that claim 21 depends from claim 19 and that claim 22 depends from claim 20. Applicant therefore addresses the Examiner's rejection as intended to reject claims 20 and 22 in view of the Peak reference. If addressing the Examiner's rejection in this manner is incorrect, Applicant requests further direction from the Examiner.

The rejection of claims 20 and 22 in view of Peak is respectfully traversed as follows.

Claim 22 is herein cancelled and the subject matter of claim 22 is incorporated into claim 20. Claim 20 (as amended) sets forth "calculating a target bit number . . . wherein a constant which can make a variation in quantization fineness among sections is used *when the target bit number is calculated* . . ." (emphasis added). At least these features are absent in the Peak reference.

The Examiner compares Peak's elements 24 and 26 to Applicant's above-noted features. However, as shown in Peak's figure 1, the RQ Adjustment Unit 24 and the Controller 26 are not utilized in assisting the Target Bit Allocator 22 to calculate a target bit number. The Examiner is

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Application No.: 10/024,215

therefore respectfully requested to reconsider and withdraw this rejection. Applicant also asserts the patentability of claim 19 in view of the argument addressing claim 20, and additionally asserts that claims 23 and 24 are patentable at least by virtue of their dependency on claims 19 and 20, respectively.

II. Rejection of Claims 1 – 24 Under 35 U.S.C. § 103 in View of US 5,990,957 to Ryoo and 5,790,196 to Sun

This rejection is respectfully traversed as follows.

The Examiner concedes that the Ryoo reference possesses the deficiencies noted in Part II(A)(i-ii) of the Amendment filed October 15, 2004. The Examiner then alleges that the Sun reference teaches or suggests those features of Applicant's claims found to be absent from the Ryoo reference.

Specifically, the Examiner alleges that a comparison can be made as to the difference between Sun's header bits and a total of Sun's target bits with Applicant's "calculating an uncoded VOP allocatable bit number that is the total number of allocatable bits for uncoded VOPs in a certain period of time based on allocatable bit number information indicating the total number of allocatable bits for the VOPs in the certain period of time and the number of generated bits for the encoded VOPs based on the predictive area calculating parameter. . ." The Examiner's comparison is inapposite, as explained below.

Sun's header bits merely relate to a Discrete Cosine Transform coefficient, and/or merely relate to the "level of quantization employed, a macro block address or location indicator, and a macroblock type." *See* column 1, lines 36 – 43. Applicant respectfully requests the Examiner to

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Application No.: 10/024,215

reconsider and withdraw this rejection at least because Sun's header bits do not make for a logical comparison to either of Applicant's recited uncoded VOP allocatable bits and/or generated bits for the encoded VOPs.

Additionally, Applicant's recited estimation of the number of generated bits for the uncoded VOPs is based on the predictive area calculating parameter, wherein the predictive area calculating parameter "indicates temporal variations . . . *based on the history of the area data. . .*" As conceded by the Examiner the Ryoo reference is deficient in teaching or suggesting an area calculator. Similarly, Sun is not concerned with calculating area, but rather with motion and shape (*see* column 2, lines 53 – 58). What is more, Sun fails to provide for *a history of the area data*, as recited by Applicant's claims.

The Examiner is therefore respectfully requested to reconsider and withdraw this rejection, as independent claims 1, 2, 5 and 6 are patentable. Additionally, Applicant also respectfully requests that the Examiner reconsider the arguments in Part II(A)(i-ii) of the Amendment filed October 15, 2004.

Applicant also asserts the patentability of dependent claims 3, 4, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 and 18 at least by virtue of their dependency upon one of independent claims 1, 2, 5 and 6.

III. Conclusion


In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

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U.S. Application No.: 10/024,215

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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